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Application No.	10/741,304
Filing Date	December 18, 2003
First Named Inventor	Naveen Kumar Vandanapu
Art Unit	2819
Examiner Name	Jean Bruner Jeanglaude
Total Number of Pages in This Submission	12
Attorney Docket Number	42P17107

ENCLOSURES (check all that apply)

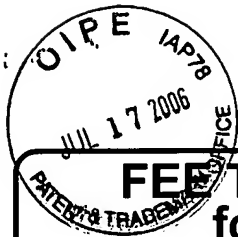
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div>Return Postcard</div>
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Vincent H. Anderson, Reg. No. 54,962 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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Date	July 12, 2006

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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

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METHOD OF PAYMENT (check all that apply)

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☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
				SUBTOTAL (2)	(\$)

SUBMITTED BY

Complete (if applicable)

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS**

In re application of:

Vandanapu et al.

Application No: 10/741,304

Filed: December 18, 2003

For: BIT ALLOCATION FOR ENCODING
TRACK INFORMATION

Examiner: Jean Bruner Jeanglaude

Art Unit: 2819

Assistant Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY TO EXAMINER'S ANSWER
IN SUPPORT OF APPELLANTS' APPEAL AND APPEAL BRIEF
TO THE BOARD OF PATENT APPEALS

Applicants (hereafter "Appellants") hereby submit this Reply in support of the Appeal Brief filed March 17, 2006, and in response to the Examiner's Answer mailed May 12, 2006. Appellants respectfully request consideration of this appeal by the Board of Patent Appeals for allowance of the invention-as presently recited in the claims.

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III. STATUS OF THE CLAIMS

Claims 1-2, 4-7, and 9-20 are pending in the above-referenced application, and were finally rejected in the Final Office Action mailed August 1, 2005. These claims are the subject of this appeal.

Claims 3 and 8 are also pending in the above-referenced application, and were objected to as being dependent upon rejected base claims.

II. GROUNDS OF REJECTION

Claims 1, 4, 6-7, 9-15, and 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,669 of Benno (hereinafter "Benno").

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benno.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benno in view of the reference "G.729 Annex B: A Silence Compression Scheme For Use With G.729 Optimized for V.70 Digital Simultaneous Voice and Data Applications," of Benyassine et al. (hereinafter "Benyassine"), IEEE, September 1997, pages 64 to 73.

III. ARGUMENT

Claims 1, 9, 13, and 17 are the independent claims pending in the above-referenced patent application, and are the subject of this Request for Review. The Final Office Action mailed August 1, 2005 made final the rejection of these claims under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,669 of Benno (*Benno*). Appellants maintain that this rejection is improper on its face at least because the cited reference fails to support a prima face anticipation rejection under MPEP § 2131.

Each of the independent claims recite limitations directed to identifying one of multiple **tracks** for each of two **subframes** and generating a **track indicator** to indicate to a decoder the **identified track for both subframes**. For example, claim 1 recites:

encoding a first and a second subframe of a frame of data, each subframe having multiple tracks;
identifying one of the multiple tracks for each subframe; and
generating a track indicator to indicate to a decoder the identified track for both subframes.

With regard to the Examiner's Answer, section (10) sets forth a Response to Appellants' Arguments. Benno discloses in Figure 4 a signal having subframes, and in Figure 5 shows two tracks. Appellants note that page 14 of the Examiner's Answer reproduces Figure 5 and labels the two tracks as "Track 1" and "Track 2." The Examiner's Answer on page 14 then asserts that "Position 402" of Benno's Figure 5 discloses a "track position." The reference fails to support this assertion. Benno at col. 2, lines 20 to 28 recites the following:

In FIG. 5, the lookup table 470 that **maps the position of the pulses** in a subframe is shown. **The pulses within the subframe are constrained to lie in one of sixteen possible positions 402 within the lookup table.** Because each track 404 has sixteen possible positions 402, only four bits are required to identify each pulse location. Each **pulse mapping** occurs in an individual track 404. Therefore, two tracks 406, 408 enables **the mapping of the pulse positions** of two signal pulses from the subframe.

Emphasis added. As stated in Benno, the positions shown in the tracks of Figure 5 are **pulse positions**, with "position 402" corresponding to the pulse positions for the purpose of pulse mapping. Appellants repeat what has been previously stated - Benno fails to disclose or suggest a track indicator. No reasonable interpretation of the cited reference, or the claimed invention would support an interpretation of the pulse positions of Benno as being "track indicators," as suggested in the Office Action. The entirety of the rejection rests upon the incorrect interpretation of the Examiner's Answer that "the track positions are, or read on the track indicators." The reference itself refutes that assertion, shown at least by the cited section reproduced above.

As Appellants have previously stated, one of ordinary skill in the art would not understand pulse positions to indicate an identified track. The cited reference fails to disclose or suggest a **track indicator** as recited in the independent claims. The reference merely discusses the use of lookup tables to determine where pulse positions are located within a track. Sufficient detail is provided in Appellants' Appeal Brief that the point need not be repeated again here.


Regarding the Benyassine reference, Appellants note that the reference was not cited as curing, nor indeed does it cure, the deficiencies noted above with regards to Benno. Neither Benno nor Bennyassine disclose or suggest generating a track indicator to indicate to a decoder an identified track for multiple subframes, as recited in the claimed invention. Therefore, the references fail to support the rejection set forth in the Final Office Action.

CONCLUSION

Appellants respectfully submit this Reply as a matter of right, filed within the two month deadline of the mailing date of the Examiner's Answer. Appellants respectfully submit that all appealed claims in this application are patentable and request that the Board of Patent Appeals overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: July 12, 2006



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Gayle Bekish

7/12/2006

Date

APPENDIX A: CLAIMS ON APPEAL

1. (Previously Presented) A method for encoding data, comprising:
encoding a first and a second subframe of a frame of data, each subframe having multiple tracks;
identifying one of the multiple tracks for each subframe; and
generating a track indicator to indicate to a decoder the identified track for both subframes.
2. (Original) A method according to claim 1, wherein encoding the subframes having multiple tracks comprises encoding subframes, each having a number of tracks, the number being other than a power of two.
3. (Original) A method according to claim 2, wherein encoding the subframes having a non-power-of-two number of tracks comprises encoding subframes having 5 tracks.
4. (Original) A method according to claim 1, wherein a track has pulse positions, wherein encoding subframes having multiple tracks comprises encoding subframes having at least one track with an additional pulse position as compared to another track, and wherein identifying one of the multiple tracks for each subframe comprises identifying the at least one track with the additional pulse position.
5. (Original) A method according to claim 1, wherein encoding the subframes comprises encoding the subframes according to the ITU-T G.729E standard.
6. (Original) A method according to claim 1, wherein encoding the subframes having multiple tracks comprises encoding subframes having multiple tracks in a sequence of track locations, and wherein identifying one of the multiple tracks for each subframe comprises identifying the track location of one of the multiple tracks for each subframe, and wherein generating the track indicator comprises generating a set of bits that corresponds to the track locations for all of the identified tracks for both subframes.
7. (Original) A method according to claim 6, wherein generating the set of bits comprises generating a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.
8. (Original) A method according to claim 1, wherein generating a track indicator comprises jointly encoding track information for tracks in both subframes.

9. (Previously Presented) An article of manufacture comprising a machine-accessible medium having content to provide instructions to cause a device to:
- encode a first and a second subframe of a frame of data, each subframe having multiple tracks;
 - identify one of the multiple tracks for each subframe; and
 - generate a track indicator to indicate to a decoder the identified track for both subframe.
10. (Original) An article of manufacture according to claim 9, wherein a track has pulse positions, wherein the content to provide instructions to cause the device to encode subframes having multiple tracks comprises the content to provide instructions to cause the device to encode subframes having at least one track with an additional pulse position as compared to another track, and wherein the content to provide instructions to cause the device to identify one of the multiple tracks for each subframe comprises the content to provide instructions to cause the device to identify the at least one track with the additional pulse position.
11. (Original) An article of manufacture according to claim 9, wherein the content to provide instructions to cause the device to encode the subframes having multiple tracks comprises the content to provide instructions to cause the device to encode subframes having multiple tracks in a sequence of track locations, and wherein the content to provide instructions to cause the device to identify one of the multiple tracks for each subframe comprises the content to provide instructions to cause the device to identify the track location of one of the multiple tracks for each subframe, and wherein the content to provide instructions to cause the device to generate the track indicator comprises the content to provide instructions to cause the device to generate a set of bits that corresponds to the track locations for all of the identified tracks for both subframes.
12. (Original) An article of manufacture according to claim 11, wherein the content to provide instructions to cause the device to generate the set of bits comprises the content to provide instructions to cause the device to generate a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.
13. (Previously Presented) An encoding apparatus comprising:
- a receiver to receive a data stream;

processing logic to encode the data stream into a frame of data, the frame of data to have a first and a second subframe, each subframe to have multiple tracks, and the processing logic to identify one of the multiple tracks for each subframe of the received frame of data, and generate a track indicator having information to indicate to a decoder the identified track for both subframes; and

a transmitter responsive to the processing logic to transmit the generated track indicator.

14. (Original) An encoding apparatus according to claim 13, wherein the processing logic encodes a frame of data having multiple tracks with pulse positions, and encodes at least one track to have an additional pulse position as compared to another track, and wherein the processing logic identifies the at least one track with the additional pulse position.

15. (Original) An encoding apparatus according to claim 13, wherein the processing logic encodes a frame having subframes having multiple tracks in a sequence of track locations and identifies the track location of one of the multiple tracks for each subframe, and wherein the processing logic generates a set of bits that corresponds the track locations for all of the identified tracks for both subframes.

16. (Original) An encoding apparatus according to claim 15, wherein the processing logic generates a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.

17. (Previously Presented) A coding system comprising:

a speech encoder having:

a receiver to receive a data stream;

processing logic to encode the data stream into a frame of data, the frame of data to have a first and a second subframe, each subframe to have multiple tracks, and the processing logic to identify one of the multiple tracks for each subframe of the received frame of data, and generate a track indicator having information to indicate to a decoder the identified track for both subframes; and

a transmitter responsive to the processing logic to transmit the generated track indicator;

and

a transmission line coupled with the transmitter to transport the generated track indicator.

18. (Original) A coding system according to claim 17, wherein the processing logic encodes a frame of data having multiple tracks with pulse positions, and encodes at least one track to have an additional pulse position as compared to another track, and wherein the processing logic identifies the at least one track with the additional pulse position.

19. (Original) A coding system according to claim 17, wherein the processing logic encodes a frame having subframes having multiple tracks in a sequence of track locations and identifies the track location of one of the multiple tracks for each subframe, and wherein the processing logic generates a set of bits that corresponds the track locations for all of the identified tracks for both subframes.

20. (Original) A coding system according to claim 19, wherein the processing logic generates a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.